

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

LYNNE FREEMAN,

Plaintiff,

v.

TRACY DEEBE-ELKENANEY P/K/A TRACY  
WOLFF, et al.,

Defendants.

Case No. 1:22-cv-02435-LLS-SN

**DECLARATION OF KATHRYN REISS  
IN SUPPORT OF PLAINTIFF'S  
OPPOSITION TO DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT**

**DECLARATION OF KATHRYN REISS**

I, Kathryn Reiss, hereby declare as follows:

1. I am above eighteen (18) years of age and am competent to give the testimony set forth below. Said testimony is given from my own personal knowledge except where otherwise indicated. If called as a witness, I could and would competently testify as set forth below.
2. I have been retained as an expert witness in this case and provided an expert report in May of last year regarding (1) the different types of plagiarism, (2) the extent to which the similarities between Freeman's *Blue Moon Rising / Masqued* work and Tracy Wolff's *Crave* series are attributable to genre convention or trope (very little is), and (3) the striking similarities between the works.
3. I am advised that a copy of my report has been lodged with the Court as part of Freeman's motion for summary judgment and appears on the Court's Docket as ECF 279-36.
4. I have been asked by Ms. Freeman's counsel whether it would make any difference to my findings if the 2014 and 2016 BMR manuscripts were excluded from my analysis. It does not. But a review of the similarities between those versions and the *Crave* series leads me to believe it was extremely

likely that Wolff had access to those versions, and in particular Freeman 2016.

5. I first reviewed my findings with respect to the 2014 Freeman manuscript. There are only 17 total references in my report to the 2014 Freeman manuscript—14 of which show up in earlier versions of Freeman’s manuscripts. Thus, only 3 stand out as solitary references:
  - a. **The attack in snow** - the heroine’s head is yanked back, and she bites her tongue, and there’s the ‘coppery tang’ of blood, and she puts her ‘fists up.’ (Freeman 2014, p.50; *Crave* pp.53-58)
  - b. The reference to Show White (Freeman 2014, p.102; *Covet* pp.665)
  - c. The Heroine and mean girl are revealed to be secret half-sisters (BMR) / cousins (*Crave*) by out of wedlock daughter of vampire prince/vampire king. (Freeman 2014, pp.338-339; *Court* pp.462, 466)
6. I next reviewed my findings with respect to the 2016 Freeman manuscript. There are only 5 total references in my report to the 2016 Freeman manuscript, however, these are quite specific:
  - a. The heroine learns there is a “Circle.” (Freeman 2016, p.69; *Crush* p.220)
  - b. Shining white courts, priestesses dressed all in white... (Freeman 2016, p.80; *Court* p.173)
  - c. A man in chains seen through the mist. (Freeman 2016, p.81; *Covet* p.649, *Court* p.32)
  - d. The Heroine is descended from Twin Goddesses to bring balance to the universe., and the heroine’s grandmother is one of the goddesses. (Freeman 2016, p.80; *Covet* pp.390-396, *Court* p.170)
  - e. Freeman’s Nyx is the chosen one, keeper of the amulet, most powerful being in ten generations / Wolff’s heroine is a Gargoyle, the most powerful born in 1,000 years. (Freeman 2016, p.107; *Covet* p.50)
7. The fact that these very specific references (the man in the mist being the heroine’s long-believed dead father/grandfather, the Heroine being descended from Twin Goddesses to bring balance to the universe, and that she is the most powerful being in ten generations) also show up in the

CRAVE series makes me believe that Wolff must have had access to Freeman's 2016 manuscript, because these similarities are not genre tropes, are very specific, and are fairly unusual.

8. In Freeman's 2016 manuscript there is also a scene on an arctic beach, strewn with the bodies of suffering whales, in which the heroine uses her powers for the very first time in order to heal the whales. Her thoughts about this use of power, her attempts to harness the power, and the setting are mirrored in Wolff's COVET (pp. 622-641).
  9. In Wolff's scene, also on an arctic beach, Wolff's heroine Grace uses her powers for the very first time in order to heal an injured friend. Her thoughts about this use of power, her attempts to harness the power and the setting itself are remarkably similar to Freeman's scene in the 2016 manuscript. See Freeman 2016, 73-97.
  10. Freeman 2016, 52-54 also mirrors Wolff's scene when the heroine envisions her healing powers and sees bodies littered on the beach.
  11. Freeman 2011, 231-232 mirrors Wolff's scene when the heroine smells charred flesh, and the 'gay best friend,' Flint, who is injured in Wolff's scene mirrors the 'gay best friend', Brendan, of Freeman's work.
  12. The points of similarity between Freeman 2016 and the *Crave* series are so specific that I believe Wolff likely had access to Freeman 2016. But even if Freeman 2014 and Freeman 2016 are not considered, the non-trope similarities between the works strike me as too many to be coincidence.
- I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct.

Executed on February 7, 2024 in Oakland, California.

By: 

Kathryn Reiss  
Declarant